

To: Madigan, Andrea[Madigan.Andrea@epa.gov]
Cc: Ackerman, Joyce[Ackerman.Joyce@epa.gov]; Sisk, Richard[Sisk.Richard@epa.gov]; Land, Kelcey[Land.Kelcey@epa.gov]; Christenson, Dave[Christenson.Dave@epa.gov]; Wall, Dan[wall.dan@epa.gov]; McKean, Deborah[mckean.deborah@epa.gov]
From: Ostrander, David
Sent: Thur 10/22/2015 3:54:54 AM
Subject: Re: Gold King Mine project - Sample Disposal

Joyce, please respond to Weston to keep the samples and let's make arrangements to ship them here. We may need to store in warehouse or regional lab.

Sent from my iPhone

On Oct 21, 2015, at 8:38 PM, Madigan, Andrea <Madigan.Andrea@epa.gov> wrote:

Our recommendation is that these samples be preserved. If this presents a problem as to storage or expense, we can revisit the issue. While we understand these are not necessary for technical reasons, there is legal risk that our standard disposal practice could be unfairly characterized in litigation as an effort to hide or destroy evidence.

Andrea Madigan

CERCLA Supervisory Attorney

Legal Enforcement Program

U.S. EPA Region 8

1595 Wynkoop Street

Denver, Colorado 80202

(303) 312-6904

From: Ackerman, Joyce
Sent: Tuesday, October 20, 2015 10:10 AM
To: Madigan, Andrea; Sisk, Richard; Land, Kelcey
Subject: Fwd: Gold King Mine project - Sample Disposal

Sent from my iPhone

Begin forwarded message:

From: "Wall, Dan" <wall.dan@epa.gov>
Date: October 20, 2015 at 10:03:32 AM MDT
To: "Ackerman, Joyce" <Ackerman.Joyce@epa.gov>, "Christenson, Dave" <Christenson.Dave@epa.gov>, "Ostrander, David" <Ostrander.David@epa.gov>
Cc: "McKean, Deborah" <mckean.deborah@epa.gov>
Subject: RE: Gold King Mine project - Sample Disposal

Deb and I conferred briefly on this and do not see any technical reason to retain those samples. We also do not think our technical opinion is sufficient make a decision on the disposition of samples and recommend that a legal opinion be sought.

From: Ackerman, Joyce
Sent: Tuesday, October 20, 2015 8:38 AM
To: Wall, Dan; Christenson, Dave; Ostrander, David
Subject: FW: Gold King Mine project - Sample Disposal
Importance: High

From: Lucotch, John [<mailto:John.Lucotch@WestonSolutions.com>]
Sent: Tuesday, October 20, 2015 8:27 AM
To: Guy, Kerry; Myers, Christopher; Merritt, Steven; McComb, Martin; Way, Steven; Myers, Craig
Cc: Ackerman, Joyce
Subject: Gold King Mine project - Sample Disposal
Importance: High

Good Morning,

The Test America lab has reached out to us to let us know that it is standard practice to dispose of samples 30 days after invoicing. Is this okay for Gold King or are there samples that need to be retained for longer than 30 days? Please let me know.

Thanks

From: Hoffman, Sheila [<mailto:Sheila.Hoffman@testamericainc.com>]
Sent: Friday, October 16, 2015 10:54 AM
To: Fodor, Gretchen
Subject: Sample storage

Gretchen - Our standard lab practice is to dispose of samples 30 days after invoicing. Has there been any discussion regarding retention of the samples from this project?

SHEILA HOFFMAN
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